

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION

DIANNE AKINS, et al.,) IN RE JOHNSON & JOHNSON “BABY”
) POWDER” and “SHOWER TO SHOWER”
)
Plaintiffs,) MARKETING, SALES PRACTICES AND
) PRODUCTS LIABILITY LITIGATION
v.)
) MDL Docket Number 16-2738
JOHNSON & JOHNSON, et al.) Case Number District of New Jersey:
) 3:19-cv-16059-FLW-LHG
Defendants.)
) Transferred from Eastern District of MO
) Case Number: 4:19-cv-01912-SNLJ

MOTION FOR LEAVE TO FILE MEMORANDUM IN SUPPORT OF
MOTION TO REMAND IN EXCESS OF 45 PAGES

COMES NOW Plaintiffs, by and through their undersigned counsel, and for their Motion for Leave to File Remand Memorandum in Excess of 45 Pages, state:

1. The Johnson & Johnson Defendants (“J&J”) removed this case on the basis of fraudulent joinder.
2. J&J seeks to have the court address their fraudulent joinder argument as to one non-diverse Defendant, PTI Union, then turn to personal jurisdiction as to all Plaintiffs, only to return to the fraudulent joinder analysis as to another non-diverse Defendant, PTI Royston.

3. This in itself raises grave procedural deficiencies that must be addressed that are outside the norm of a typical motion to remand.

4. Moreover, J&J's three-step argument to "create" complete diversity asserts: (1) PTI Union should be dismissed because Plaintiffs' claims have not been pled with enough specificity or otherwise fail to state a claim; (2) all Plaintiffs' claims should be dismissed for lack of personal jurisdiction in Missouri; and (3) PTI Royston should be dismissed based on a "contract specification" defense.

5. Plaintiffs are forced to address each of these bases separately, as the invalidity of any one of these arguments or taking the arguments in any sequence other than as J&J urges mandates remand. Each argument also has multiple subparts and complex legal nuances in relation to multiple bases for imposition of liability and personal jurisdiction.

WHEREFORE, Plaintiffs respectfully request leave to file their Memorandum in Support of Motion to Remand in Excess of 45 Pages, specifically 61 total pages in 14-point font.

Respectfully Submitted,

ONDER LAW, LLC

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CERTIFICATE OF SERVICE

I hereby certify that, on this 29th day of August 2019, a copy of the foregoing was e-filed with the Court, which sent notice to all parties entitled to receive pleadings through the Court's CM/ECF system.

/s/ W. Wylie Blair